

REMARKS/ARGUMENTS

Applicant's attorneys respectfully request reconsideration and withdrawal of the rejections of the instant application in view of the above amendments and following remarks, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1- 36 are pending in this application and are rejected in the Office Action mailed on September 5, 2007. By this Amendment, claims 1, 3 and 10 are amended. Applicant's attorneys submit that no new subject matter has been introduced.

Support for the claim amendments can be found throughout the specification, for example, see paragraphs [0102], [0111], and [0119], and in Figures 1, 3, 4, 6, and 7 of U.S. Patent Application Publication No. 2005/0033258 ("the instant application").

II. THE REJECTIONS UNDER 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

In numbered paragraph 5 of the Office Action, claims 1-17, 20-22 and 36 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,416,500 to Wada *et al.* ("Wada"). Claims 18, 19 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wada in view of U.S. Patent No. 5,415,643 to Kolb ("Kolb"). Claims 23-35 are rejected under § 103(a) as allegedly being unpatentable over Wada in view of U.S. Patent No. 5,649,913 to Cohen ("Cohen"). The rejections are respectfully traversed for at least the following reasons.

As recited in amended claim 1, the instant invention is directed to:

An absorptive product, which comprises an absorptive...and a flexible and liquid-impermeable trap portion..., wherein said trap portion holds at least one end of said absorptive body in a pocket formed of at least a backup sheet, and wherein all cross sections of said trap portion have said absorptive body.

(Emphasis added). Therefore, any cross section taken of the trap portion of the instant invention will contain the absorptive body.

In contrast, as presently understood by Applicants' attorneys, Wada discloses a section of the front wall in which the absorptive product is absent in the longitudinal direction. As recited in Wada, column 3, lines 53-56:

"The front wall section f2 is provided substantially in its central zone with a region 7 extending transversely of the bag 1. The core 3b is absent in this region 7, i.e., the region 7 comprises parts of the base sheet 2 and the cover sheet 3a."

(Emphasis added.) The Examiner has acknowledged in at least numbered paragraph 6 in the January 30, 2008 Office Action that core 3b in Wada corresponds to the absorptive product of the instant application. Further in paragraph 6, the Examiner acknowledged that the bag 1 of Wada corresponds to the instant trap portion. Therefore Wada discloses, in the above cited passage, a transverse area (region 7) of the trap portion in which no absorbent product is present. It follows that a longitudinal cross section taken through region 7 of Wada would be free of the absorptive product. Accordingly, Applicants' attorneys respectfully submit that Wada fails to at least disclose or suggest an absorbent product present in all cross sections of the trap portion as recited in instant claim 1 as amended.

With respect to the rejection of claim 10, amended instant claim 10 recites, *inter alia*, "wherein said guiding member is a guiding sheet different from said backup sheet and said absorptive body." (Emphasis added.) As shown in at least Figures 6 and 7, and recited in

paragraph [0119] of the instant application, the instant guiding member is a sheet separate from the backup sheet and the absorptive body.

Wada, as recognized in the Office Action in numbered paragraph 14, provides a guiding member 9. However, column 3, lines 62-65 of Wada recites, *inter alia*, “A foldable line 9 which is a compressed groove formed by compressing the panel 3 in its thickness direction...” Column 4, lines 50-53 recite, *inter alia*, “...panel 3 comprises the semi-rigid and liquid-absorbent core 3b covered with and joined to the flexible and liquid-pervious cover sheets 3a, 3a.” The Office Action has acknowledged that core 3b corresponds to the instant absorbent product. It follows, then, that the guiding member of Wada, a “foldable line 9 which is a compressed groove” in panel 3, corresponds to a compressed groove in the instant absorbent product. This is directly in contrast to the instant invention in which the guiding sheet is “different from said backup sheet and said absorptive body” as recited in claim 1. Accordingly, the instant invention claimed in claim 10 is different than Wada.

As to claim 11, the instant claim recites, in part, “wherein said penis-guiding section is different from said opening.” In contrast in numbered paragraph 9 of the instant Action the Examiner has recognized, “With respect to [instant] claims 4 and 5, the opening 4 [of Wada] extends in both the longitudinal and width directions of the absorptive body 3b, as shown in figure 8,” suggesting that opening 4 of Wada corresponds to the opening in the instant invention which is formed by a backup sheet and a trap sheet according to instant claim 3. The Office Action then asserts in numbered paragraph 15 that element 4 of Wada corresponds to the penis-guiding section of the instant invention.

Based on the foregoing, Applicants’ attorneys respectfully request that the § 102 rejection be withdrawn.

Regarding the obviousness rejections based on Wada in combination with Kolb, Applicants' attorneys respectfully submit that Kolb fails to cure the deficiencies of Wada. As presently understood by Applicants' attorneys, Kolb is directed to an absorbent composite with a specific composition of superabsorbent material which allows the absorbent body to disintegrate in water so that the body may be safely flushed. Accordingly, the disclosure in Kolb does not suggest an absorbent product present continuously in a trap portion. Therefore, Applicants' attorneys respectfully submit that Kolb fails to cure the deficiencies in Wada. Accordingly, Applicants' attorneys respectfully request that the Section 103 rejections based on Wada in view of Kolb be withdrawn.

Regarding the obviousness rejections based on Wada in combination with Cohen, Applicants' attorneys respectfully submit that Cohen fails to correct the deficiencies of Wada. As presently understood, Cohen discloses men's boxer shorts to direct and store urine in a pocket. Cohen discloses a pocket constructed of waterproof materials configured to store urine without wetting the man's body. Cohen, column 2, lines 6-10. However, Cohen fails to disclose the presence or use of any absorbent material in the direction and storage of urine in the disclosed pocket. Accordingly, it is respectfully submitted that Cohen does not correct the deficiencies in Wada. Consequently, reconsideration and withdrawal of the § 103(a) rejections based on Wada in view of Cohen are respectfully requested.

For at least the foregoing reasons, it is believed that revised independent claims 1, 27, and 28 patentably distinguish over the relied upon portions of Wada, Kolb, and Cohen, either alone or in combination, and are therefore allowable. Further, claims 2-26 and 36 that depend from claim 1, claims 29-34 that depend from claim 27, and claim 35 that depends from claim 28, are allowable as well.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that he Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art. Accordingly, Applicant's attorneys respectfully request an early favorable consideration thereof.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
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